

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 324

HOUSE BILL 2464

AN ACT

AMENDING TITLE 28, CHAPTER 7, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2169; AMENDING SECTIONS 28-2233, 28-2266, 28-3103, 28-3223, 28-3224, 28-3302, 28-3312, 28-3392 AND 28-5242, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION; RELATING TO COMMERCIAL MOTOR CARRIERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 7, article 5, Arizona Revised Statutes,
3 is amended by adding section 28-2169, to read:

4 28-2169. Intrastate commercial vehicle registration; required
5 numbers

6 THE DEPARTMENT MAY REQUIRE BY RULE THAT AN APPLICANT FOR REGISTRATION
7 OF A VEHICLE THAT IS SUBJECT TO THE GROSS WEIGHT FEES IMPOSED PURSUANT TO
8 SECTION 28-5432 HAVE A UNITED STATES DEPARTMENT OF TRANSPORTATION NUMBER AND
9 PROVIDE TO THE DIRECTOR A UNITED STATES DEPARTMENT OF TRANSPORTATION NUMBER
10 AND A FEDERAL TAXPAYER IDENTIFICATION NUMBER ISSUED TO THE APPLICANT FOR
11 REGISTRATION BEFORE THE VEHICLE MAY BE REGISTERED TO TRAVEL IN THIS STATE.

12 Sec. 2. Section 28-2233, Arizona Revised Statutes, is amended to read:
13 28-2233. Interstate commercial fleet registration; application;

14 restrictions

15 A. In lieu of the registration required by section 28-2153, in lieu
16 of the full payment of fees prescribed by sections 28-2003 and 28-5433 and
17 notwithstanding section 28-2321, a resident or nonresident engaged in
18 operating one or more fleets of commercial vehicles in this state and another
19 jurisdiction may register and license each fleet for operation in this state.

20 B. The director may refuse to permit proportional registration of
21 vehicles based in a jurisdiction that does not grant proportional
22 registration privileges to fleet vehicles based in this state.

23 C. A person may proportionally register and license a vehicle pursuant
24 to this article by filing an application with the director. The execution
25 of the application is subject to penalties of perjury for false
26 statements. The application shall contain the following information and
27 other information pertinent to vehicle registration as the director requires:

28 1. Total fleet miles determined as follows:

29 (a) The total number of miles operated in all jurisdictions during the
30 preceding year by the power units in the fleet.

31 (b) If a fleet is composed entirely of trailers or semitrailers, the
32 total number of miles that the vehicles were towed on the highways of all
33 jurisdictions during the preceding year.

34 2. In-state miles determined as follows:

35 (a) The total number of miles operated in this state during the
36 preceding year by the power units in the fleet.

37 (b) If a fleet is composed entirely of trailers or semitrailers, the
38 total number of miles that the vehicles were towed on the highways of this
39 state during the preceding year.

40 3. A description and identification of each vehicle of the fleet that
41 is to be proportionally registered in this state during the registration year
42 for which proportional fleet registration is requested.

43 4. For proportional registration of an interstate fleet to be operated
44 in this state for the first time:

1 (a) The mileage data with respect to the fleet for the preceding year
2 in other jurisdictions and the estimated annual mileage for the fleet in this
3 state.

4 (b) If no operations were conducted with the fleet during the
5 preceding year, a full statement of the proposed method of operation and
6 estimates of annual mileage in this state and other jurisdictions.

7 5. THE UNITED STATES DEPARTMENT OF TRANSPORTATION NUMBER AND THE
8 FEDERAL TAXPAYER IDENTIFICATION NUMBER.

9 D. The application shall not include as a proportionally registered
10 fleet vehicle a vehicle that is operated exclusively in this state or a
11 vehicle if the sole purpose of its operation in this state is for use in the
12 conduct of intrastate business.

13 E. The department shall not register a vehicle under this article
14 unless it has been or will be proportionally or otherwise properly registered
15 in at least one other jurisdiction during the period for which proportional
16 registration is sought in this state.

17 F. From the applications submitted for proportional registration of
18 an interstate fleet to be operated in this state for the first time, the
19 director shall fix the in-state and total fleet miles to be used in
20 determining the mileage proportion for the fleet and may evaluate and adjust
21 the estimate in the application if the director is not satisfied the estimate
22 is correct.

23 Sec. 3. Section 28-2266, Arizona Revised Statutes, is amended to read:
24 28-2266. Registration requirements; fees; registration card

25 A. THE DEPARTMENT SHALL NOT REGISTER A MOTOR VEHICLE PURSUANT TO THIS
26 ARTICLE UNLESS ALL THE FOLLOWING ARE PROVIDED:

27 1. A UNITED STATES DEPARTMENT OF TRANSPORTATION NUMBER.

28 2. A FEDERAL TAXPAYER IDENTIFICATION NUMBER.

29 3. THE NAME OF THE PARTY RESPONSIBLE FOR ENSURING THAT THE VEHICLE
30 MEETS THE APPLICABLE FEDERAL AND STATE MOTOR CARRIER SAFETY LAWS AND
31 REGULATIONS.

32 ~~A.~~ B. In addition to all other fees, a person applying or making a
33 supplemental application for registration under this article shall pay a
34 filing fee of seven dollars fifty cents for nine or fewer vehicles, fifteen
35 dollars for ten through twenty-four vehicles or twenty-two dollars fifty
36 cents for twenty-five or more vehicles.

37 ~~B.~~ C. On payment of the appropriate fees for the registration, the
38 director shall register the vehicles described and identified in the
39 application and may issue a distinctive sticker for each motor vehicle
40 described in the application. The director shall charge a fee of three
41 dollars for each registered vehicle and shall determine whether to issue a
42 sticker.

43 ~~C.~~ D. For each registered vehicle the director shall issue a
44 registration card that bears on its face the number of the license or
45 distinctive sticker issued for the registered vehicle and the other

1 information extracted from the application for registration as the director
2 determines appropriate for identifying the vehicle. The card shall be
3 carried in the vehicle at all times. If it is a combination of vehicles, the
4 card shall be carried in the vehicle supplying the motive power.

5 Sec. 4. Section 28-3103, Arizona Revised Statutes, is amended to read:
6 28-3103. Driver license endorsements

7 A. A driver license applicant shall obtain the following endorsements
8 to the applicant's driver license and shall submit to an examination
9 appropriate to the type of endorsement if the applicant operates one or more
10 of the following vehicles:

11 1. A motorcycle endorsement for operation of a motorcycle if the
12 applicant qualifies for a class M license and if the applicant qualifies for
13 or has a class A, B, C, D or G license.

14 2. A hazardous materials endorsement on a class A, B or C license for
15 operation of a vehicle that transports hazardous materials, wastes or
16 substances in a quantity and under circumstances that require the placarding
17 or marking of the transport vehicle as required by the department's safety
18 rules prescribed pursuant to chapter 14 of this title. THE DEPARTMENT OR AN
19 OUTSIDE SOURCE AUTHORIZED BY THE DEPARTMENT AND APPROVED BY THE
20 TRANSPORTATION SAFETY ADMINISTRATION MAY:

21 (a) CONDUCT BACKGROUND CHECKS IN ACCORDANCE WITH THE TRANSPORTATION
22 SAFETY ADMINISTRATION PROCEDURES.

23 (b) REQUIRE THAT ALL HAZARDOUS MATERIALS ENDORSEMENT APPLICANTS SUBMIT
24 FINGERPRINTS.

25 3. A double-triple trailer endorsement on a class A license for
26 operation of a vehicle towing double or triple trailers.

27 4. A passenger vehicle endorsement on a class A, B or C license for
28 operation of a bus designed to transport sixteen or more passengers,
29 including the driver, or a school bus.

30 5. A tank vehicle endorsement on a class A, B or C license for
31 operation of a tank vehicle. For the purposes of this paragraph, "tank
32 vehicle" means a commercial motor vehicle that is designed to transport a
33 liquid or gaseous material within a tank that is either permanently or
34 temporarily attached to the vehicle or chassis, including a cargo tank and
35 a portable tank and excluding a portable tank having a rated capacity under
36 one thousand gallons.

37 6. A SCHOOL BUS ENDORSEMENT ON A CLASS A, B OR C LICENSE FOR OPERATION
38 OF A SCHOOL BUS. APPLICANTS SHALL SUCCESSFULLY COMPLETE BOTH A WRITTEN
39 KNOWLEDGE TEST AND A DRIVING SKILLS TEST TO OBTAIN A SCHOOL BUS ENDORSEMENT.

40 B. WHEN APPLYING FOR A COMMERCIAL DRIVER LICENSE ENDORSEMENT PURSUANT
41 TO ARTICLE 5 OF THIS CHAPTER, THE APPLICANT SHALL SUCCESSFULLY COMPLETE THE
42 SKILLS PORTION OF THE EXAMINATION IN A MOTOR VEHICLE OR VEHICLE COMBINATION
43 APPLICABLE TO THE ENDORSEMENT.

1 Sec. 5. Section 28-3223, Arizona Revised Statutes, is amended to read:
2 28-3223. Original applicant; requirements; expiration; renewal
3 examination

4 A. In addition to the requirements applicable to all driver license
5 applicants, an original applicant for a class A, B or C license is subject
6 to the following requirements:

7 1. The applicant shall submit evidence of compliance with medical
8 standards and requirements that the department adopts by rule.

9 2. The applicant must have held a driver license for at least one year
10 either in this state, any other state or a foreign country.

11 3. The applicant shall take additional knowledge examinations to
12 demonstrate understanding of the following:

13 (a) Safety operation rules.

14 (b) Commercial motor vehicle safety control systems.

15 (c) Safe vehicle control.

16 (d) The relationship of cargo to vehicle control.

17 (e) Basic hazardous materials knowledge.

18 (f) The objectives and proper procedures for performing vehicle safety
19 inspections.

20 (g) Air brake systems.

21 (h) Legal requirements for size, weight and vehicle configurations.

22 (i) Emergency procedures.

23 4. In addition to the other requirements of this section, an applicant
24 for a class A driver license shall demonstrate a knowledge and understanding
25 of:

26 (a) Vehicle coupling and uncoupling.

27 (b) Unique combination vehicle inspections.

28 5. The applicant shall take a driving test in a vehicle or vehicle
29 combination that at least meets the minimum size requirements for the class
30 of driver license sought. The driving test shall include a demonstration of
31 familiarity with pretrip inspection procedures.

32 B. A PERSON POSSESSING A COMMERCIAL DRIVER LICENSE ON OR BEFORE JUNE
33 30, 2005 SHALL RENEW THE LICENSE WITHIN FIVE YEARS ACCORDING TO PROCEDURES
34 ESTABLISHED BY THE DEPARTMENT.

35 C. NOTWITHSTANDING SECTION 28-3171, THE HOLDER OF A CLASS A, B OR C
36 DRIVER LICENSE SHALL RENEW THE LICENSE EVERY FIVE YEARS IN A MANNER
37 PRESCRIBED BY THE DEPARTMENT.

38 ~~B.~~ D. The department may administer an examination to a renewal
39 applicant for a class A, B or C driver license. This examination on renewal
40 shall include the following:

41 1. Evidence of compliance with medical standards adopted by the
42 department.

43 2. Administration of knowledge tests or road tests, or both, as
44 required of an original applicant.

1 Sec. 6. Section 28-3224, Arizona Revised Statutes, is amended to read:
2 28-3224. Nonresident commercial driver license

3 A. The department may issue a nonresident commercial driver license
4 to a resident of a ~~foreign~~ ANOTHER jurisdiction if the United States
5 secretary of transportation determines that the commercial motor vehicle
6 testing and licensing standards in the foreign OTHER jurisdiction do not meet
7 the testing standards established in 49 Code of Federal Regulations part 383.

8 B. On receipt of a proper application, the department may issue a
9 nonresident commercial driver license to an applicant who meets the
10 requirements for a class A, B or C license pursuant to section 28-3223.

11 C. The department shall mark a license issued pursuant to this section
12 as a nonresident commercial driver license or a nonresident CDL.

13 D. A person applying for a nonresident commercial driver license shall
14 surrender any nonresident commercial driver license issued by another state
15 as a condition of receiving a nonresident commercial driver license in this
16 state.

17 Sec. 7. Section 28-3302, Arizona Revised Statutes, is amended to read:
18 28-3302. Nonresident driver privilege; suspension or
19 revocation; reporting convictions

20 A. The privilege of driving a motor vehicle on the highways of this
21 state that is given to a nonresident driver under this chapter is subject to
22 suspension or revocation by the department in the same manner and for the
23 same cause as a driver license that is issued under this chapter.

24 B. On receipt of a record of the conviction in this state of a
25 nonresident driver of a motor vehicle of an offense under the motor vehicle
26 laws of this state, the department may forward a certified copy of the record
27 to the motor vehicle administrator in the state OR COUNTRY in which the
28 person who is convicted is a resident.

29 Sec. 8. Section 28-3312, Arizona Revised Statutes, is amended to read:
30 28-3312. Mandatory disqualification of commercial driver
31 license; definition

32 A. The department shall disqualify a person from driving a commercial
33 motor vehicle as follows:

34 1. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION AND except as
35 otherwise provided in this subsection, for at least one year from the date
36 a person is convicted of a first violation of any of the following:

37 (a) Driving a commercial motor vehicle under the influence of
38 intoxicating liquor or a controlled substance or while having an alcohol
39 concentration of 0.04 or more.

40 (b) Leaving the scene of an accident involving a ~~commercial~~ motor
41 vehicle driven by the person.

42 (c) Using a ~~commercial~~ motor vehicle in the commission of a felony.

43 (d) A VIOLATION OF CHAPTER 4, ARTICLE 3 OF THIS TITLE WHILE OPERATING
44 A NONCOMMERCIAL MOTOR VEHICLE.

1 2. For at least three years, if any of the violations prescribed in
2 paragraph 1 of this subsection occurred while the person was transporting a
3 hazardous material in the quantity and under the circumstances that require
4 placarding of the transport vehicle under the department's safety rules
5 pursuant to chapter 14 of this title.

6 3. Except as provided in subsection B of this section, for the life
7 of the person, if the person is convicted of two or more violations of any
8 of the offenses prescribed in paragraph 1 of this subsection or of any
9 combination of those offenses arising from two or more separate incidents.

10 The department shall consider only offenses committed from and after
11 December 31, 1989 in applying this paragraph.

12 4. For the life of the person, if the person uses a commercial motor
13 vehicle in the commission of a felony involving the manufacture, distribution
14 or dispensing of a controlled substance or possession with intent to
15 manufacture, distribute or dispense a controlled substance.

16 5. For at least sixty consecutive days, if the person is convicted of
17 two serious traffic violations committed in a commercial motor vehicle
18 arising from separate incidents occurring within a three year period from the
19 date of the conviction.

20 6. For at least one hundred twenty consecutive days, if the person is
21 convicted of three serious traffic violations committed in a commercial motor
22 vehicle arising from separate incidents occurring within a three year period
23 from the date of the conviction.

24 B. Except as provided in subsection C of this section, a person who
25 is found responsible for violating an out-of-service order pursuant to
26 section 28-5241 is disqualified from driving a commercial motor vehicle as
27 follows:

28 1. For a period of ninety days if the person is found responsible for
29 a first violation of an out-of-service order.

30 2. For a period of one year if the person is found responsible for a
31 second violation of any out-of-service order during any ten year period
32 arising from separate incidents.

33 3. For a period of three years if the person is found responsible for
34 a third or subsequent violation of any out-of-service order during any ten
35 year period arising from separate incidents.

36 C. A person who is found responsible for violating an out-of-service
37 order pursuant to section 28-5241 while transporting hazardous materials or
38 while operating a commercial motor vehicle designed or used to transport
39 sixteen or more passengers, including the driver, is disqualified from
40 driving a commercial motor vehicle as follows:

41 1. For a period of one hundred eighty days if the person is found
42 responsible for a first violation of an out-of-service order.

43 2. For a period of two years if the person is found responsible for
44 a second or subsequent violation of any out-of-service order during any ten
45 year period arising from separate incidents.

1 D. A person who is convicted of or found responsible for violating any
2 federal, state or local railroad grade crossing law, ordinance or regulation
3 is disqualified from driving a commercial motor vehicle as follows:

4 1. For a period of sixty days if a person is convicted of or found
5 responsible for a first violation.

6 2. For a period of one hundred twenty days if a person is convicted
7 of or found responsible for a second violation during any three year period.

8 3. For a period of one year if a person is convicted of or found
9 responsible for a third or subsequent violation during any three year period.

10 E. THE DEPARTMENT SHALL PERMANENTLY DISQUALIFY A PERSON FROM DRIVING
11 A COMMERCIAL MOTOR VEHICLE IF THE PERSON DOES ANY OF THE FOLLOWING:

12 1. MORE THAN ONCE REFUSES A TEST IN VIOLATION OF SECTION 28-1321 IF
13 THE REFUSALS INVOLVE MORE THAN ONE INCIDENT.

14 2. MORE THAN ONCE IS CONVICTED OF VIOLATING CHAPTER 4, ARTICLE 3 OF
15 THIS TITLE.

16 3. MORE THAN ONCE USES A NONCOMMERCIAL MOTOR VEHICLE IN THE COMMISSION
17 OF A FELONY.

18 F. IF A FEDERAL AGENCY DETERMINES THAT A COMMERCIAL MOTOR VEHICLE
19 LICENSEE IS DRIVING IN A MANNER THAT CONSTITUTES AN IMMINENT HAZARD, THE
20 DEPARTMENT, ON RECEIPT OF NOTIFICATION BY THE FEDERAL GOVERNMENT, SHALL
21 DISQUALIFY THE DRIVER FOR A PERIOD NOT TO EXCEED ONE YEAR. FOR THE PURPOSES
22 OF THIS SUBSECTION, "IMMINENT HAZARD" MEANS THE EXISTENCE OF A CONDITION THAT
23 PRESENTS A SUBSTANTIAL LIKELIHOOD THAT DEATH, SERIOUS ILLNESS, SEVERE
24 PERSONAL INJURY OR A SUBSTANTIAL ENDANGERMENT TO HEALTH, PROPERTY OR THE
25 ENVIRONMENT MAY OCCUR BEFORE THE REASONABLY FORESEEABLE COMPLETION DATE OF
26 A FORMAL PROCEEDING TO DECREASE THE RISK OF DEATH, ILLNESS, INJURY OR
27 ENDANGERMENT.

28 G. THE DEPARTMENT SHALL KEEP RECORDS OF FINDINGS OF RESPONSIBILITY FOR
29 A CIVIL TRAFFIC VIOLATION AND OF CONVICTION OF ANY MOVING CRIMINAL TRAFFIC
30 VIOLATION FOR A COMMERCIAL DRIVER LICENSEE IF THE VIOLATIONS ARISE FROM A
31 COMMERCIAL MOTOR VEHICLE OR A NONCOMMERCIAL MOTOR VEHICLE.

32 H. A PERSON FOUND RESPONSIBLE WITHIN THREE YEARS FOR A SECOND
33 VIOLATION OF ANY OF THE FOLLOWING SHALL BE DISQUALIFIED FROM DRIVING A
34 COMMERCIAL MOTOR VEHICLE FOR A PERIOD OF SIXTY DAYS AND FOR A PERIOD OF ONE
35 HUNDRED TWENTY DAYS FOR A THIRD OR SUBSEQUENT VIOLATION OF ANY OF THE
36 FOLLOWING:

37 1. DRIVING A COMMERCIAL MOTOR VEHICLE WHEN THE PERSON HAS NOT BEEN
38 ISSUED A VALID COMMERCIAL DRIVER LICENSE.

39 2. DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT A COMMERCIAL DRIVER
40 LICENSE IN THE PERSON'S POSSESSION.

41 3. DRIVING A COMMERCIAL MOTOR VEHICLE WITHOUT HAVING A VALID
42 ENDORSEMENT FOR THE TYPE OF COMMERCIAL MOTOR VEHICLE OR MOTOR VEHICLE
43 COMBINATION BEING OPERATED.

44 I. DISQUALIFICATION FOR AN OFFENSE COMMITTED BY A COMMERCIAL DRIVER
45 LICENSE HOLDER WHILE OPERATING A NONCOMMERCIAL MOTOR VEHICLE APPLY ONLY IF

1 THE CONVICTION RESULTS IN THE REVOCATION, CANCELLATION OR SUSPENSION OF THE
2 PERSON'S COMMERCIAL DRIVER LICENSE OR NONCOMMERCIAL DRIVER LICENSE.

3 ~~E.~~ J. The department may adopt rules establishing guidelines and
4 conditions under which the department may reduce a disqualification for life
5 pursuant to subsection A, paragraph 3 of this section to a disqualification
6 of at least ten years. If a person's disqualification is reduced pursuant
7 to rules adopted pursuant to this subsection and the person is subsequently
8 disqualified pursuant to subsection A, paragraph 3 of this section, the
9 person is permanently disqualified from driving a commercial vehicle and is
10 not eligible to apply for a reduction of the disqualification pursuant to
11 rules adopted pursuant to this subsection.

12 ~~F.~~ K. For THE purposes of this section, "serious traffic violation"
13 means a conviction for any of the following:

14 1. Excessive speeding involving a single offense for a speed of
15 fifteen miles per hour or more above the posted speed limit.

16 2. Reckless driving as provided by section 28-693.

17 3. Aggressive driving as provided by section 28-695.

18 4. Racing as defined in section 28-708.

19 5. Improper or erratic traffic lane changes as provided by section
20 28-729.

21 6. Following the vehicle ahead too closely as provided by section
22 28-730.

23 7. A violation of this title that is connected with a fatal traffic
24 accident.

25 Sec. 9. Section 28-3392, Arizona Revised Statutes, is amended to read:

26 28-3392. Defensive driving school; eligibility

27 A. A court:

28 1. Shall allow an individual who is issued a citation for a civil
29 traffic moving violation pursuant to chapter 3, articles 2, 3, 4 AND 6
30 through 15 of this title or a local civil traffic ordinance relating to the
31 same subject matter to attend a defensive driving school for the purposes
32 provided in this article.

33 2. EXCEPT AS PRESCRIBED IN SUBSECTION C OF THIS SECTION, may allow an
34 individual who is issued a citation for a violation of section 28-701.02 to
35 attend a defensive driving school.

36 B. A person who attends a defensive driving school pursuant to this
37 article is not eligible to attend a defensive driving school again within
38 twenty-four months from the day of the last violation for which the person
39 was authorized by this article to attend a defensive driving school.

40 C. Notwithstanding subsection A of this section,--

41 1. An individual who commits a civil or criminal traffic violation
42 resulting in death or serious physical injury is not eligible to attend a
43 defensive driving school, except that the court may order the individual to
44 attend a defensive driving school in addition to another sentence imposed by
45 the court on an adjudication or admission of the traffic violation.

2. IF A COMMERCIAL DRIVER LICENSE HOLDER IS FOUND GUILTY OR RESPONSIBLE FOR A MOVING VIOLATION, THE COURT MAY REQUIRE THE VIOLATOR TO ATTEND DEFENSIVE DRIVING SCHOOL AS AN ELEMENT OF SENTENCE, BUT MAY NOT DISMISS THE CONVICTION OR FINDING OF RESPONSIBILITY AND SHALL REPORT THE CONVICTION OR FINDING OF RESPONSIBILITY TO THE DEPARTMENT AS PRESCRIBED IN SECTION 28-1559. A COMMERCIAL DRIVER LICENSE HOLDER IS NOT ELIGIBLE FOR THE DEFENSIVE DRIVING DIVERSION PROGRAM.

Sec. 10. Section 28-5242, Arizona Revised Statutes, is amended to read:

28-5242. Registration requirements; interstate or foreign commerce; enforcement; violations; classification

A. A motor carrier shall not operate in this state a motor vehicle OR LIGHTWEIGHT MOTOR VEHICLE involved in interstate or foreign commerce or require or allow a driver to operate a motor vehicle OR LIGHTWEIGHT MOTOR VEHICLE involved in interstate or foreign commerce unless the motor carrier is registered pursuant to 49 United States Code sections 13901 and 13902. A motor carrier domiciled outside of the United States shall have proof of the registration in the vehicle when operating in this state.

8. A motor carrier shall not operate in this state a motor vehicle OR LIGHTWEIGHT MOTOR VEHICLE involved in interstate or foreign commerce or require or allow a driver to operate a motor vehicle OR LIGHTWEIGHT MOTOR VEHICLE involved in interstate or foreign commerce beyond the scope of the motor carrier's registration issued pursuant to 49 United States Code sections 13901 and 13902.

C. A person who violates subsection A or B of this section is guilty of a class 2 misdemeanor.

D. THE DEPARTMENT OR a law enforcement officer authorized pursuant to section 28-5204 may place a motor vehicle under an out-of-service order until either the cargo is removed from the vehicle or the officer obtains proof that the motor carrier is registered pursuant to 49 United States Code sections 13901 and 13902.

E. A motor carrier shall not operate a motor vehicle or allow a driver to operate a motor vehicle subject to an out-of-service order issued pursuant to this section until the reason for the out-of-service order has been remedied. A motor carrier or driver who violates this subsection is guilty of a class 1 misdemeanor.

Sec. 11. Appropriation; purpose; exemption from lapsing

A. The sum of \$168,500 is appropriated in fiscal year 2004-2005 from the state highway fund to the Arizona department of transportation motor vehicle division for the purpose of implementing this act or for the purpose of regulating motor carriers that are engaged in the business of towing motor vehicles by establishing a procedure to inform vehicle owners and lienholders that a motor vehicle in which the lienholder has an interest is in the possession of the tower.

1 B. The appropriation made in subsection A of this section is exempt
2 from the provisions of section 35-190, Arizona Revised Statutes, relating to
3 the lapsing of appropriations.

4 Sec. 12. Effective date

5 Section 28-3223, Arizona Revised Statutes, as amended by this act is
6 effective from and after June 30, 2005.

APPROVED BY THE GOVERNOR JUNE 3, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 3, 2004.

Passed the House March 8, 2004,

Passed the Senate April 13, 2004,

by the following vote: 58 Ayes,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

2 Nays, 0 Not Voting

Jake Flake
Speaker of the House

Klu Blunett
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmian Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

H.B. 2464

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 26, 20 04,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Jake Flake
Speaker of the House

Norman L. Fyore
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 26, 20 04,

by the following vote: 26 Ayes,

2 Nays, 2 Not Voting

Ken Bennett
President of the Senate

Charmine B. Bunting
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 27th day of May, 20 04

at 8:35 o'clock a. M.

Lennidee Ybarra
Secretary to the Governor

Approved this 3 day of

June, 20 04,

at 3⁴⁵ o'clock P. M.

J. N. K.
Governor of Arizona

H.B. 2464

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 3 day of June, 20 04,

at 4:22 o'clock P. M.

Janice K. Brewer
Secretary of State